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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
MENBERU, BENIYAM	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/068,414	FUJII ET AL.	
	Examiner	Art Unit	
	BENIYAM MENBERU	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-9,11-16 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-9,11-16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 7, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5-9, 11-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5488483 to Murayama in view of U.S. Patent No. 5719686 to Sakamoto et al further in view of U.S. Patent No. 6614551 to Peek.

Regarding claim 1, Murayama '483 disclose an image sending method comprising the steps of:

selecting and setting a sending mode for sending image data from plural types of sending modes (column 5, lines 43-67; column 6, lines 1-22; Figure 6, step s23; G4 mode or color mode), the plural types of sending modes respectively relating to different transmission protocols (column 5, lines 38-42; column 5, lines 54-57, lines 63-65; column 6, lines 29-31, lines 49-52);

selecting and setting an index of an image quality for the image data to be sent (column 1, lines 26-39; Quality is related to level of resolution and type of quantization table used for the JPEG protocol. Thus selection of quantization table implies selection of quality for image. Further in column 6, lines 58-67; column 7, lines 1-11, quality selection can be accomplished using input 42 as shown in Figure 7 for the image transmission. Thus resolution can be selected depending on the image quality (quantization table) selection as shown in Figure 4 (column 6, lines 15-22, 27-31, 33-41; see steps s31, s32, s34, s35));

setting a resolution corresponding to the selected index of the image quality and the selected sending mode (In Figure 6, selecting the G4 mode in s23 results in two possible resolution (in step s25 and s27) depending on the quality selection in step s24 (column 5, lines 44-46, 51-53; column 6, lines 10-15, 32-35, 40-44, 61-65); selecting the color mode results in different resolution selection depending on quality selection in s29 (column 6, lines 7-44; column 4, lines 15-55); column 7, lines 1-11, quality selection can be accomplished using input 42 as shown in Figure 7 for the image transmission; resolution can be selected depending on the image quality (quantization table) selection as shown in Figure 4 (column 6, lines 15-22, 27-31, 33-41; see steps s31, s32, s34, s35)),

sending the image data of the selected resolution by the selected sending mode (column 5, lines 54-57; column 6, lines 15-22). However Murayama '483 does not disclose wherein the resolution corresponding to the index of the image quality and the

sending mode differs from one sending mode to another and differs from one image quality to another.

Sakamoto et al '686 discloses wherein the resolution corresponding to the index of the image quality and the sending mode differs from one sending mode to another and differs from one image quality to another (Figure 25 shows resolution setting for color/monochrome mode (sending mode) as a function of quality (superfine, fine selection) column 14, lines 53-56; column 5, lines 47-52 ; column 8, lines 44-63; As shown in Figure 25, for first selection (superfine off, fine off), the resolution is 8x7.7 for color mode and 8x3.85 in monochrome mode. For third selection (superfine on, fine off), resolution for color mode is 8x7.7 and 8x15.4 for monochrome mode. Thus the resolution corresponding to index of image quality and sending mode for the first selection and third selection are different resolution values for the two sending modes. Further when the selection of superfine/fine lamp (index of image quality) varies from (off, off) to (off, on), to (on, off), resolution varies from 8x3.85 to 8x7.7 to 8x15.4 in the monochromatic sending mode (Figure 25; column 8, lines 50-57; column 14, lines 53-60). Thus resolution differs from one image quality to another.)

Having the system of ***Murayama '483*** and then given the well-established teaching of ***Sakamoto et al '686***, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of ***Murayama '483*** as taught by ***Sakamoto et al '686***, since ***Sakamoto et al '686*** stated in col. 8, Lines 40-61, such a modification would provide the appropriate setting of resolution for color/monochrome communication.

However Murayama '483 does not disclose wherein the sending mode for sending image data is selected and set from the plural types of sending modes based on sending destination information which is inputted or selected by a user;

Peek '551 discloses wherein the sending mode for sending image data is selected and set from the plural types of sending modes based on sending destination information which is inputted or selected by a user (column 6, lines 1-37).

Having the system of ***Murayama '483*** and then given the well-established teaching of ***Peek '551***, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of ***Murayama '483*** as taught by ***Peek '551***, since ***Peek '551*** stated in col. 2, lines 3-14, such a modification would provide capability for both email and facsimile communication based on user entry of information.

Regarding claim 2, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teach all the limitations of claim 1. Further Murayama '483 disclose the image sending method set forth in Claim 1, wherein:

the resolution corresponding to the selected index of the image quality is set by referring to a resolution setting table which indicates correspondence between

i) the index which is a single or plural indices of the image quality common to the plural types of sending modes and

ii) a range of applicable resolutions of each sending mode (column 4, lines 12-55; "standard" "precision" setting and "G4" column 5, lines 59-60, column 6, lines 8-10; G4/Color mode).

Regarding claim 3, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 disclose the image sending method set forth in Claim 2, wherein:
the image quality of the image data to be sent is set according to the index which is selected by a user from a plurality of displayed indices (Figure 2, reference 42; column 3, lines 38-44).

Regarding claim 5, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teaches all the limitations of claim 1. Further Murayama '483 disclose the image sending method set forth in Claim 1, wherein:
the image data is processed to match the set resolution (column 5, lines 43-57).

Regarding claim 6, Murayama in view of Peek teaches all the limitations of claim 1. Murayama discloses the image sending method set forth Claim 1, wherein: the image data is created by reading an image, so as to match the set resolution (column 2, lines 63-67; column 5, lines 43-49).

Regarding claim 7, Murayama '483 disclose an image sending device comprising:
sending mode setting means for selecting and setting a sending mode for sending image data from plural types of sending modes (column 5, lines 43-67; column 6, lines 1-22; Figure 6, step s23), the plural types of sending modes respectively relating to different transmission protocols (column 5, lines 38-42; column 5, lines 54-57, lines 63-65; column 6, lines 29-31, lines 49-52);
image quality setting means for selecting and setting an index of an image quality for the image data to be sent (column 1, lines 26-39; Quality is related to level of resolution and type of quantization table used for the JPEG protocol. Thus selection of

quantization table implies selection of quality for image. Further in column 6, lines 58-67; column 7, lines 1-11, quality selection can be accomplished using input 42 as shown in Figure 7 for the image transmission. Thus resolution can be selected depending on the image quality (quantization table) selection as shown in Figure 4 (column 6, lines 15-22, 27-31, 33-41; see steps s31, s32, s34, s35); and

resolution setting means for setting a resolution corresponding to the index of the image quality set by said image quality setting means and the sending mode set by said sending mode setting means (In Figure 6, selecting the G4 mode in s23 results in two possible resolution (in step s25 and s27) depending on the quality selection in step s24 (column 5, lines 44-46, 51-53; column 6, lines 10-15, 32-35, 40-44, 61-65); selecting the color mode results in different resolution selection depending on quality selection in s29 (column 6, lines 7-44; column 4, lines 15-55); column 7, lines 1-11, quality selection can be accomplished using input 42 as shown in Figure 7 for the image transmission; resolution can be selected depending on the image quality (quantization table) selection as shown in Figure 4 (column 6, lines 15-22, 27-31, 33-41; see steps s31, s32, s34, s35)). However Murayama '483 does not disclose wherein the resolution corresponding to the index of the image quality and the sending mode differs from one sending mode to another and differs from one image quality to another.

Sakamoto et al '686 discloses wherein the resolution corresponding to the index of the image quality and the sending mode differs from one sending mode to another and differs from one image quality to another (Figure 25 shows resolution setting for color/monochrome mode (sending mode) as a function of quality (superfine, fine

selection) column 14, lines 53-56; column 5, lines 47-52 ; column 8, lines 44-63; As shown in Figure 25, for first selection (superfine off, fine off), the resolution is 8x7.7 for color mode and 8x3.85 in monochrome mode. For third selection (superfine on, fine off), resolution for color mode is 8x7.7 and 8x15.4 for monochrome mode. Thus the resolution corresponding to index of image quality and sending mode for the first selection and third selection are different resolution values for the two sending modes. Further when the selection of superfine/fine lamp (index of image quality) varies from (off, off) to (off, on), to (on, off), resolution varies from 8x3.85 to 8x7.7 to 8x15.4 in the monochromatic sending mode (Figure 25; column 8, lines 50-57; column 14, lines 53-60). Thus resolution differs from one image quality to another.).

Having the system of ***Murayama '483*** and then given the well-established teaching of ***Sakamoto et al '686***, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of ***Murayama '483*** as taught by ***Sakamoto et al '686***, since ***Sakamoto et al '686*** stated in col. 8, Lines 40-61, such a modification would provide the appropriate setting of resolution for color/monochrome communication.

However Murayama '483 does not disclose input means for enabling a user to input or select sending destination information and wherein said sending mode setting means selects and sets the sending mode based on the sending destination information inputted or selected through the input means.

Peek '551 discloses input means for enabling a user to input or select sending destination information and wherein said sending mode setting means selects and sets

the sending mode based on the sending destination information inputted or selected through the input means (column 3, lines 36-46; column 5, lines 22-33; column 6, lines 29-44).

Having the system of ***Murayama '483*** and then given the well-established teaching of ***Peek '551***, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of ***Murayama '483*** as taught by ***Peek '551***, since ***Peek '551*** stated in col. 2, lines 3-14, such a modification would provide capability for both email and facsimile communication based on user entry of information.

Regarding claim 8, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teach all the limitations of claim 7. Further Murayama '483 disclose the image sending device set forth in Claim 7 wherein :

said resolution setting means refers to a resolution setting table which stores a range of applicable resolutions of each sending mode, with a corresponding index which is a single or plural indices of the image quality common to the plural types sending modes (column 4, lines 12-55; "standard" "precision" setting and "G4" column 5, lines 59-60, column 6, lines 8-10; G4/Color mode; "standard" and "precision" is available for both sending mode G4/Color).

Regarding claim 9, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teach all the limitations of claim 8. Further Murayama '483 disclose the image sending device set forth in Claim 8, further comprising:

display means for displaying the plural indices (column 3, lines 38-44; Figure 2, 42a, 42b); and input means for enabling a user to input one of the plural indices (column 3, lines 38-44), wherein:

said image quality setting means sets the image quality according to the index which is inputted by the input means (column 5, lines 44-50).

Regarding claim 11, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teaches all the limitations of claim 7. Further Murayama '483 discloses the image sending device set forth in Claim 7 further comprising:

image data processing means for processing the image data based on the resolution set by said resolution setting means, into a form suitable for the sending mode set by said sending mode setting means (column 5, lines 44-50, column 6, lines 25-31).

Regarding claim 12, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teach all the limitations of claim 7. Further Murayama '483 discloses the image sending device set forth in Claim 7, further comprising:

image reading means for reading an image based on the resolution set by the resolution setting means, so as to create image data (column 2, lines 63-67; column 5, lines 43-49).

Regarding claim 13, Murayama '483 disclose an image sending device comprising:

sending route setting section for selecting and setting an image sending route from plural image sending routes (column 5, lines 35-67; column 6, lines 1-22; Figure 6, step s23);

an image quality setting section for selecting and setting an index of an image quality of sending image (column 1, lines 26-39; Quality is related to level of resolution and type of quantization table used for the JPEG protocol. Thus selection of quantization table implies selection of quality for image. Further in column 6, lines 58-67; column 7, lines 1-11, quality selection can be accomplished using input 42 as shown in Figure 7 for the image transmission. Thus resolution can be selected depending on the image quality (quantization table) selection as shown in Figure 4 (column 6, lines 15-22, 27-31, 33-41; see steps s31, s32, s34, s35));

processing contents setting section for setting processing contents which corresponds to the image sending route set by said sending route setting section and the index of the image quality set by said image quality setting section (In Figure 6, selecting the G4 mode in s23 results in two possible resolution (in step s25 and s27) depending on the quality selection in step s24 (column 5, lines 44-46, 51-53; column 6, lines 10-15, 32-35, 40-44, 61-65); selecting the color mode results in different resolution selection depending on quality selection in s29 (column 6, lines 7-44; column 4, lines 15-55);), sending the image data of the selected resolution by the selected sending mode (column 5, lines 54-57; column 6, lines 15-22));

an image processing section for processing the image to create the sending image based on the processing contents set by said processing contents setting section (column 2, lines 64-67; column 3, lines 1-9); and

an image sending section for sending the sending image via the image sending route set by said sending route setting section (column 3, lines 10-14; column 5, lines 43-50;

column 8-22). However Murayama '483 does not disclose where the processing contents corresponding to the index of the image quality and the sending route differ from one sending mode to another and differ from one image quality to another.

Sakamoto et al '686 discloses where the processing contents corresponding to the index of the image quality and the sending route differ from one sending mode to another and differ from one image quality to another (Figure 25 shows resolution setting for color/monochrome mode (sending mode) as a function of quality (superfine, fine selection) column 14, lines 53-56; column 5, lines 47-52 ; column 8, lines 44-63; As shown in Figure 25, for first selection (superfine off, fine off), the resolution is 8x7.7 for color mode and 8x3.85 in monochrome mode. For third selection (superfine on, fine off), resolution for color mode is 8x7.7 and 8x15.4 for monochrome mode. Thus the resolution corresponding to index of image quality and sending mode for the first selection and third selection are different resolution values for the two sending modes. Further when the selection of superfine/fine lamp (index of image quality) varies from (off, off) to (off, on), to (on, off), resolution varies from 8x3.85 to 8x7.7 to 8x15.4 in the monochromatic sending mode (Figure 25; column 8, lines 50-57; column 14, lines 53-60). Thus resolution differs from one image quality to another.).

Having the system of ***Murayama '483*** and then given the well-established teaching of ***Sakamoto et al '686***, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of ***Murayama '483*** as taught by ***Sakamoto et al '686***, since ***Sakamoto et al '686*** stated in col. 8, Lines 40-61,

such a modification would provide the appropriate setting of resolution for color/monochrome communication.

However Murayama '483 does not disclose sending destination input section for enabling a user to input or select sending destination information and wherein said sending route setting section selects and sets the image sending route from the plural image sending routes based on the sending destination information inputted or selected through the sending destination input section.

Peek '551 discloses sending destination input section for enabling a user to input or select sending destination information and wherein said sending route setting section selects and sets the sending route from the plural image sending routes based on the sending destination information inputted or selected through the sending destination input section (column 3, lines 36-46; column 5, lines 22-33; column 6, lines 29-44).

Having the system of ***Murayama '483*** and then given the well-established teaching of ***Peek '551***, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of ***Murayama '483*** as taught by ***Peek '551***, since ***Peek '551*** stated in col. 2, lines 3-14, such a modification would provide capability for both email and facsimile communication based on user entry of information.

Regarding claim 14, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teaches all the limitations of claim 13. Further Murayama '483 discloses the image sending device set forth in Claim 13, wherein: the image quality set by said

image quality setting section is commonly used for the plural image sending routes (Figure 6, in s24 for G4 mode and in s29 for color mode, they both have selection for "standard" and "precision").

Regarding claim 15, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teaches all the limitations of claim 14. Further Murayama '483 discloses the image sending device set forth in Claim 14, further comprising:
a storage section for storing a processing contents setting table which stores processing contents corresponding to each of the plural image sending routes and the image quality (column 4, lines 3-42).

Regarding claim 16, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teaches all the limitations of claim 15. Further Murayama '483 disclose the image sending device set forth in Claim 15, further comprising:
a display section for displaying the image quality which exists as plural image qualities (column 3, lines 38-44; Figure 2, 42a, 42b); and
an input section for enabling a user to input one of the plural image qualities (column 3, lines 38-44), wherein: said image quality setting section selects and sets the image quality inputted through the input section (column 5, lines 44-50).

Regarding claim 18, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teaches all the limitations of claim 1. Further Murayama '483 discloses the image sending method set forth in claim 1, wherein the plural types of sending modes include at least one of a facsimile mode, a scan to email mode, and a scan to FTP mode (column 2, lines 52-55).

Regarding claim 19, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teaches all the limitations of claim 7. Further Murayama '483 discloses the image sending device set forth in claim 7, wherein the plural types of sending modes include at least one of a facsimile mode, a scan to email mode, and a scan to FTP mode (column 2, lines 52-55).

Regarding claim 20, Murayama '483 in view of Sakamoto et al '686 further in view of Peek '551 teaches all the limitations of claim 13. Further Murayama '483 discloses the image sending device set forth in claim 13, wherein the plural image sending routes include at least one of a telephone line, the Internet, an intranet, an extranet, CON, COM, LAN, ISDN, VAN, CATV, VPN, a telephone line network, a mobile network, and a satellite network (column 4, lines 61-64).

Other Prior Art Cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6597474 to Yoshida discloses facsimile device.

U.S. Patent No. 6538686 to Hara et al disclose image communication system.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENIYAM MENBERU whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner
Beniyam Menberu

/Beniyam Menberu/

Examiner, Art Unit 2625

11/24/2008

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625